

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**TONY FOUNTAIN, #152157**

**Plaintiff,**

**v.**

**DR. PEASANT, et al,**

**Defendants.**

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**2:06-CV-548-MHT**

**MOTION FOR AN ENLARGEMENT**

**COMES NOW** the defendant, **Leon Forniss**, by and through *Bettie J. Carmack*, Assistant Attorney General for the State of Alabama, and moves this Honorable Court to extend the time allocated for it to respond to this Court's order dated September 27, 2006 and, for grounds, state as follows:

1. Defense counsel had a difficult time obtaining the plaintiff's medical records.
2. Defense counsel is still in the process of gathering information to prepare the special report as requested by this Court.

**WHEREFORE PREMISES CONSIDERED**, the defendant requests the following from this Honorable Court:

- A. Grant a twenty (20) day extension for the defendant to file the special report.
- B. Any other and further relief in which the defendants may be entitled.

RESPECTFULLY SUBMITTED, this the 6th day of November, 2006.

TROY KING (KIN-047)  
ATTORNEY GENERAL  
By:

/s/ BETTIE J. CARMACK  
Bettie J. Carmack (CAR-132)  
*Assistant Attorney General*  
*Civil Litigation Division*  
11 South Union Street  
Montgomery, AL 36130  
Telephone: (334) 353-5305  
Facsimile: (334) 242-2433

### **CERTIFICATE OF SERVICE**

This is to certify that I have on this 6th day of November, 2006, served  
copies of the foregoing *Motion* upon the plaintiff by depositing same in the United  
States Mail, addressed as follows:

**Inmate Tony Fountain**  
**AIS #152157**  
**Staton Correctional Facility**  
**P. O. Box 56**  
**Elmore, AL 36025-0056**

/s/ BETTIE J. CARMACK  
Bettie J. Carmack (CAR -132)  
ASSISTANT ATTORNEY GENERAL